

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION**

) **MDL NO. 1456**

) **CIVIL ACTION: 01-CV-12257-PBS**

) **Judge Patti B. Saris**

**THIS DOCUMENT RELATES TO  
Case Nos. 01-CV-12257-PBS, 02-12084-PBS  
and 02-12086-PBS**

**DECLARATION OF ARDEN BUETTNER**

I, Arden Buettner, pursuant to 28 U.S.C. § 1746, declare as follows:

I have personal knowledge of the information set forth below.


1. I serve as an oncology product manager for Aventis Pharmaceuticals Inc. ("Aventis"). In my current position, I am involved in the marketing planning for the Anzemet® brand. I make this declaration in support of Defendants' Motion for Protective Order in the referenced actions.

2. I have reviewed certain paragraphs in the (i) the Amended Consolidated Class Action Complaint ("AMCC"), (ii) State of Montana's Second Amended Complaint ("MSAC"), and State of Nevada's Second Amended Complaint ("NSAC") (together, the "Amended Complaints") and documents cited therein that have been designated by Aventis as confidential or highly confidential.

3. The following citations in the Amended Complaints are confidential because they specifically reference non-public, proprietary pricing information that is commercially sensitive. The references are to indirect customer contract prices for Anzemet®.

- a. Paragraphs 257 of the AMCC, 226 of the NSAC, and 281 of the MSAC referencing Anzemet® indirect customer pricing information in pages Bates numbered AV-AAA-02242-56.
  - b. Paragraphs 263 of the AMCC, 228 of the NSAC, and 283 of the MSAC referencing Anzemet® indirect customer pricing information in a page Bates numbered AV-AAA-001523.
4. The confidentiality of contracted pricing information is protected by Aventis to the extent possible, internally through signed confidentiality agreements with employees and externally through confidentiality clauses in pricing contracts.
5. Anzemet® is an anti-nauseant and anti-emetic drug. It is one of a class of products referred to as selective serotonin 5HT-3 receptor antagonists. There are two other products in the class with which Anzemet® directly competes, Zofran and Kytril, and one other product that is soon to be launched by a competitor. Pricing for this class of drugs is highly competitive. The publication of contract pricing information would cause commercial harm to Aventis by giving the manufacturers of competing drugs information which could be used to enhance their own pricing strategy. Accordingly, Aventis respectfully requests that these paragraphs cited in the AMCC, NSAC and MSAC and referenced above remain sealed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of August, 2003.

  
Arden Bluettner